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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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10 WEBSTER PROCTOR, on behalf of himself
11 and all others similarly situated,
12 Plaintiff,
13 vs.
14 NIKE RETAIL SERVICES, INC., et al.,
15 Defendants.

Case No.: 11-CV-6711 YGR

**ORDER DENYING MOTION TO DISMISS AS
MOOT**

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17 On February 22, 2012, Defendants Nike Inc., Nike Retail Services, Inc. and Nike USA, Inc.
18 filed their Motion to Dismiss or Strike Portions of Complaint Pursuant to Federal Rules of Civil
19 Procedure 12(b)(6) and 12(f) (Dkt. No. 10).

20 On March 14, 2012, Plaintiff filed an amended complaint pursuant to Federal Rule of Civil
21 Procedure 15(a)(1)(B). In light of the filing of the amended complaint, the Motion to Dismiss is
22 DENIED as moot. The hearing set for April 3, 2012, is VACATED.

23 **IT IS SO ORDERED.**

24
25 March 19, 2012

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YVONNE GONZALEZ ROGERS
27 UNITED STATES DISTRICT COURT JUDGE
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